



13281 U.S. PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

9-15497-5US-1

First Inventor

Tigran GALSTIAN

Title

TUNABLE OPTICAL DEVICE FOR DYNAMIC  
CHROMATIC DISPERSION AND POLARIZATION...

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 22]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 17]
5. Oath or Declaration [Total Sheets 2]  
a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ Paper  
c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Letter to the Commissioner

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/658,462

Prior application information:

Examiner

Art Unit: 2874

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS



Customer Number:

020988

OR ☐

Correspondence address below

Name	Ogilvy Renault		
Address	Suite 1600 1981 McGill College Avenue		
City	Montreal	State	Zip Code H3A 2Y3
Country	Canada	Telephone	613-780-8661
		Fax	613-230-6706
Name (Print/Type)	Kent Daniels	Registration No. (Attorney/Agent)	44,206
Signature		Date	January 20, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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012104

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PTO/SB/06 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

9-15497-5US-1

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	3 minus 20 = *	0
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		0

RATE	FEE
	\$ 385
x \$ 0 =	0
x 0 =	0
+ =	
TOTAL	385

OR

RATE	FEE
	\$
x \$ 9 =	0
x 42 =	0
+ =	
TOTAL	0

\* If the difference in column 1 is less then zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=	
Independent (37 CFR 1.16(b))	*	Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI- TIONAL FEE
x \$ =	
x =	
+ =	
TOTAL ADDIT. FEE	0

OR

RATE	ADDI- TIONAL FEE
x \$ =	
x =	
+ =	
TOTAL ADDIT. FEE	0

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=	
Independent (37 CFR 1.16(b))	*	Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI- TIONAL FEE
x \$ =	
x =	
+ =	
TOTAL ADDIT. FEE	0

OR

RATE	ADDI- TIONAL FEE
x \$ =	
x =	
+ =	
TOTAL ADDIT. FEE	0

AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=	
Independent (37 CFR 1.16(b))	*	Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI- TIONAL FEE
x \$ =	
x =	
+ =	
TOTAL ADDIT. FEE	0

OR

RATE	ADDI- TIONAL FEE
x \$ =	
x =	
+ =	
TOTAL ADDIT. FEE	0

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 425

**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Tigran GALSTIAN
Examiner Name	
Art Unit	
Attorney Docket No.	9-15497-5US-1

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☒ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit Account Number  
Deposit Account Name

Ogilvy Renault

19-5113

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 385

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	3	-20** = 0	X	0	= 0
Independent Claims	3	-3** = 0	X	0	= 0
Multiple Dependent					= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 40

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Kent Daniels	Registration No. (Attorney/Agent)	44,206	Telephone	613 780 8673
Signature	<i>K. Daniels</i>	Date	January 20, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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# OGILVY RENAULT

January 20, 2004

## Mail Stop Patent Application

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Sir:

**Re: New United States Continuation Patent Application**  
*Continuation of Serial No. 10/658,462 Filed September 10, 2003*  
**Title: TUNABLE OPTICAL DEVICE FOR DYNAMIC CHROMATIC  
DISPERSION AND POLARIZATION MODE DISPERSION  
COMPENSATION**  
**Inventor(s): Tigran GALSTIAN et al.**  
**Assignee: Photintech Inc.**  
**Our File: 9-15497-5US-1**

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Under 37 CFR 1.53(b)(1), transmitted herewith for filing is the Continuation patent application of:

**INVENTOR(S):** Tigran GALSTIAN, Armen ZOHRABYAN, Dany DUMONT  
Amir TORK, Rouslan BIRABASSOV

### TITLE OF THE INVENTION:

TUNABLE OPTICAL DEVICE FOR DYNAMIC CHROMATIC DISPERSION AND  
POLARIZATION MODE DISPERSION COMPENSATION

**CONTINUATION OF:** United States Patent Application Serial No. 10/658,462 filed  
September 10, 2003. (Abandoned for failure to Respond to Missing Parts)

The following documents are enclosed:

- a) Utility Patent Application Transmittal PTO/SB/05
- b) Money Order No. 17268836-111,

Fee Transmittal Form PTO/SB/17 (in duplicate) and Patent Application Fee

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**Barristers & Solicitors  
Patent & Trade-mark Agents**

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**Meighen Demers  
Ogilvy Renault  
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**OGILVY  
RENAULT**

Determination Record PTO/SB/06, covering:

Filing Fee	\$385.00
Recording of Assignment	\$ 40.00
<b>Total Number of Claims:</b>	<b>3</b>
Independent claims in excess of 3 (0 @ \$86/43)	\$0.00
Claims in excess of 20 (0 @ \$18/9)	\$0.00
Multiple dependent claim (0 @\$290/145)	\$0.00
<b>Total</b>	<b>\$425.00</b>

- c) Specification/Claims/Abstract
- d) Formal Drawings (17) Sheets - Figs. (1-17B)
- e) 2 Declarations under 37 CFR 1.63, with Patent Application Data Sheet
- f) 5 Power of Attorney Documents
- g) Assignment
- h) Preliminary Amendment
- i) Return receipt postcard.

The applicant/inventor(s) qualify for **small** entity status.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to our Account No. 19-5113.

Please note that the address of the agents for the applicant in this matter should be the Montreal address identified in the enclosed Power of Attorney. Correspondence may be directed to Kent Daniels at the Montreal address of Ogilvy Renault.

Respectfully submitted,



Kent Daniels  
Reg. No. 44,206  
Agent of Record  
KD/sm  
Encls.